

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ELMSFORD APARTMENT ASSOCIATES, LLC,
36 APARTMENT ASSOCIATES, LLC, and
66 APARTMENT ASSOCIATES, J.V.,

Plaintiffs,

v.

20-cv-4062 (CM)

ANDREW CUOMO, as Governor of the State
of New York,

Defendant.

ORDER


McMahon, C.J.:

During oral argument on the parties' cross motions for summary judgment, held via telephone on June 24, 2020, Plaintiffs asserted that the court closures related to the challenged executive order violate their right to petition the government for a redress of grievances under the First Amendment to the U.S. Constitution. *See, e.g., Sure-Tan, Inc. v. NLRB*, 467 U.S. 883, 896-897, 104 S.Ct. 2803, 81 L.Ed.2d 732 (1984); *ACA Int'l v. Healey*, No. CV 20-10767-RGS, 2020 WL 2198366, at *9 (D. Mass. May 6, 2020).

The parties may submit concurrent letter briefs on Plaintiffs' claim under the Petition Clause. The briefs are not to exceed three pages and must be filed no later than June 26, 2020,.

SO ORDERED.

Dated: June 24, 2020



Chief Judge